

1 DELEGATE WHITE: I wonder if Delegate Smith  
2 would yield to a question?

3 THE CHAIRMAN: Delegate Smith, will you yield  
4 to a question from Delegate White?

5 DELEGATE M. SMITH: Yes.

6 THE CHAIRMAN: Delegate White.

7 DELEGATE WHITE: I wonder if you find the  
8 proposal 5.14, the last sentence, which this amendment  
9 would strike, in conflict as 5.14 now stands? It seems  
10 an attempt is being made to provide an escape valve, but  
11 5.04 says that the Governor shall fill the vacancy in the  
12 office of chief judge, and no such escape valve is provided.

13 I wonder why do you feel it is necessary to make  
14 a provision in 5.14 which is not found in 5.04, dealing  
15 with the same subject matter?

16 DELEGATE M. SMITH: Because the courts can well  
17 proceed to operate in the absence of a chief judge  
18 on the accepted principle that in the absence of the chief  
19 judge, and, as a matter of fact, as written into this very  
20 provision, that the associate senior judge in circuits  
21 shall proceed to act.